

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

Berger
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FILE: B-216650

DATE: October 19, 1984

MATTER OF: Daniel Emergency Medical Services, Inc.

DIGEST:

1. GAO does not review an affirmative determination of responsibility absent a showing of possible fraud or bad faith or misapplication of definitive criteria against which responsibility is to be determined.
2. Protest allegation that "missing acknowledgment has far ranging legal effects and is not a minor informality," without any identification of what was not acknowledged or other factual statement or explanation of why something other than a minor informality is involved, is insufficient as a protest allegation which GAO will review.

Daniel Emergency Medical Services, Inc. (Daniel), protests the award of a contract to another firm by the Veterans Administration under solicitation No. 674-5-85.

The thrust of Daniel's protest is that the other firm should have been found nonresponsible. Responsibility determinations are subjective and are based essentially on business judgment. For that reason, we do not review challenges to an affirmative responsibility determination unless there is a showing of possible fraud or bad faith on the part of contracting officials or of possible failure to apply definitive criteria contained in the solicitation against which responsibility was to be determined. Northern Arizona Gas Service, Inc., B-216440, Sept. 24, 1984, 84-2 CPD ¶ ____. Neither exception applies here.

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The protester also states that "the missing acknowledgment has far ranging legal effects and is not a minor informality." The protester, however, does not identify the contents of what has not been acknowledged nor explain why something other than a minor informality is involved. This protest statement does not provide us with any basis for evaluating the protester's position, and we therefore will not treat it as a reviewable basis for protest. See Alice Roofing, B-216277, Sept. 18, 1984, 84-2 CPD ¶ ____.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel